REMARKS/ARGUMENTS

The present Reply is being filed in response to the final Official Action of August 27, 2008. Initially, Applicants would like to thank the Examiner for taking the time to conduct a telephone interview with Applicants' undersigned attorney regarding the final Official Action. The final Official Action continues to reject Claims 1, 2, 4-6, 11-13, 14-17, 18, 29, 21-23, 28-30, 32-34, 35, 36, 38-40, 45-47, 49-51, 52-54, 56, 58 and 59 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,690,407 to Parker et al. And the Official Action continues to reject the remaining claims, namely Claims 3, 7-10, 14, 20, 24-27, 31, 37, 41-44, 48, 55 and 57, under 35 U.S.C. § 103(a) as being unpatentable over Parker, in view of U.S. Patent No. 6,910,074 to Amin et al. As explained below, Applicants again submit that the claimed invention is patentably distinct from Parker and Amin, taken individually or in any proper combination. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicants respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

A. Claims 1, 2, 4-6, 11-13, 14-17, 18, 29, 21-23, 28-30, 32-34, 35, 36, 38-40, 45-47, 49-51, 52-54, 56, 58 and 59 are Patentable

The final Official Action continues to reject Claims 1, 2, 4-6, 11-13, 14-17, 18, 29, 21-23, 28-30, 32-34, 35, 36, 38-40, 45-47, 49-51, 52-54, 56, 58 and 59 as being anticipated by Parker. According to one aspect of the present invention, as explained during the telephone interview and as reflected by independent Claim 1, a system is provided that includes an originating node configured to initiate communication with a terminating node, and an intermediate node located between the originating node and the terminating node. As recited, the originating node is configured to initiate communication with the terminating node in a manner based upon at least one parameter for communication with the intermediate node and/or the terminating node. In this regard, the originating node is configured to initiate communication by (a) requesting communication with the terminating node via the intermediate node, or (b) notifying the

terminating node of incoming data independent of the intermediate node. The originating node or the intermediate node is configured to notify the terminating node of incoming data when the originating node initiates communication in accordance with (a), namely by requesting communication with the terminating node via the intermediate node. The terminating node, upon being notified of incoming data, is configured to register with the intermediate node to thereby enable Internet Protocol (IP) communication between the originating node and the terminating node via the intermediate node.

As explained in response to the first Official Action, in contrast to independent Claim 1, Parker (as well as Amin) does not teach or suggest a system for establishing an IP connection with a terminating node, whereby the terminating node, upon being notified of incoming data, is configured to register with the intermediate node to thereby enable Internet Protocol (IP) communication between the originating node and the terminating node via the intermediate node. Briefly, Parker discloses a combined telephonic/computerized on-demand ordering system whereby a central server may establish a data call between the computers of first and second users as telephones of the first and second users carry out a telephone call. Parker discloses that its central server may register a provider (second user) and include a database of registered providers including their respective telephone numbers (of their telephones) and IP addresses (of their computers). In this regard, one may argue that Parker discloses registering a provider (second user – terminating node) with the central server (intermediate node).

Even given the aforementioned interpretation, Parker still does not teach or suggest that its provider is notified of incoming data, and then registers with the central server, similar to the terminating node of independent Claim 1. That is, Parker still does not teach or suggest that its provider registers with the central server upon being notified of incoming data, as recited by independent Claim 1. Rather, interactions with a provider (second user) according to Parker presuppose registration of that provider with the central server. Parker, col. 4, ll. 47-50 ("When a user is 'on-line' ..., their computer sends a registration message to the central server 13 to notify it that the user is available."). Independent Claim 1, on the other hand, recites notifying the terminating node of incoming data, and upon that notification, registering the terminating node to enable IP communication.

In response to the foregoing, the final Official Action states as follows:

> *... Parker discloses wherein the user, e.g. "terminating node", browses by commercial and private entities for exchange data over the Internet for its current session, e.g. "upon being notified of incoming data", is configured to register with the DNS, e.g. "intermediate node", to receive a temporarily assigned IP address for exchanging data with server over the Internet as specified in col. 2, lines 20-32; with secure band billing processes as disclosed in col. 4, lines 42-53.*

Final Official Action of Aug. 27, 2008, page 30. Applicants respectfully disagree with this interpretation.

In the preceding interpretation, the Office takes the position that Parker discloses a user browsing hosted content (compared to notifying of incoming data), and then registers with a DNS to receive a temporarily-assigned IP address (compared to registering with the intermediate node upon being notified of incoming data). Initially, Applicants note that Parker does not in fact disclose a user registering with a DNS to receive a temporary IP address, but instead discloses that a user's Internet service provider assigns a temporary IP address. As disclosed by Parker and as is well known, a DNS server translates IP addresses to more-convenient logical names. A network address translator (NAT) of an Internet service provider assigns temporary IP addresses to users of the respective service provider.

In line with Parker's description of the DNS system, a user is assigned a temporary IP address by the user's Internet service provider before the user may browse hosted content, the assigned IP address being required for the host (commercial or private entity) to return its content to the user. Thus, instead of a user browsing hosted content before receiving a temporarily-assigned IP address (compared to receiving notification of incoming data and thereupon registering with the intermediate node – as per independent Claim 1), in line with Parker, the user receives the temporarily-assigned IP address before browsing hosted content. This is in relation to registration with the intermediate node to thereby enable IP communication, as also per independent Claim 1. But instead of the user being notified of incoming data before registering to enable IP communication, as per independent Claim 1, Parker discloses registering to enable IP communication to receive incoming data (browsing hosted content).

Applicants therefore respectfully submits that independent Claim 1, and by dependency Claims 2-17, is patentably distinct from Parker. Applicants also respectfully submit that

independent Claims 18, 35, 52 and 59 recite subject matter similar to that of independent Claim 1, including the aforementioned registering a terminating node or apparatus upon or in response to receiving a notification to thereby enable IP communication. As such, Applicants respectfully submit that independent Claims 18, 35, 52 and 59, and by dependency Claims 19-34, 36-51 and 53-58, are also patentably distinct from Parker for at least the reasons given above with respect to independent Claim 1.

In addition to the above reasons, Applicants respectfully submit that various ones of dependent Claims 2, 4-6, 11-13, 14-17, 19, 21-23, 28-30, 32-34, 36, 38-40, 45-47, 49-51, 53, 54, 56 and 58 recite features further patentably distinct from Parker. Examples of a number of these features are explained below.

1. Dependent Claims 2, 19 and 36

Dependent Claim 2 (and similarly dependent Claims 19 and 36) recites notifying the terminating node of incoming data further in accordance with a non-IP-based communication technique, which is also not taught or suggested by Parker. As explained during the telephone interview, embodiments of the claimed invention permit a non-IP-based notification to the terminating node, which upon being notified, registers with the intermediate node, as per dependent Claim 2 – read in context of its dependence on independent Claim 1. Parker, on the other hand, does not teach or suggest a notification of incoming data upon which any terminating node registers with an intermediate node, much less a non-IP-based notification.

For allegedly disclosing the feature of dependent Claim 2, the Official Action cites FIG. 4 (computers 10 and 11), as well as column 7, lines 5-11, of Parker for disclosing "direct packet exchange for non-IP based." Applicants note that just as with the other figures of Parker, FIG. 4 is also premised on IP communication between computers 10 and 11. In FIG. 4, the central server notifies computers 10 and 11 of the others IP address, and from this exchange of IP addresses, the computers may communicate with one another without the central server. Even in this instance, however, Parker does not disclose a non-IP-based notification upon which either of the computers registers with an intermediate node, similar to dependent Claim 2.

Parker does at column 7, lines 5-11 of refer to delivery of a video/audio program over a

non-Internet connection, such as a cable television connection. Even considering this disclosure, however, nowhere does Parker teach or suggest that this delivery of a video/audio program is a non-IP-based notification upon which the receiving node registers with an intermediate node to enable IP communication, similar to dependent Claim 2.

2. Dependent Claims 6, 23 and 40

Dependent Claim 6 (and similarly Claims 23 and 40) recites that communication is requested with the terminating node by sending a domain name service (DNS) query to a DNS server to trigger the DNS server to communicate with the intermediate node to request communication with the terminating node, which is also not taught or suggested by Parker. For this feature, the Official Action cites column 4, lines 5-19 of Parker for disclosing use of DNS servers. As disclosed by Parker, however, a DNS server may resolve a logical name of its central server (e.g., www.sprint.exchange.com) with a fixed IP address of the central server. This translation between logical names and IP addresses, however, does not explicitly or inherently correspond to a triggering of a DNS server to communicate with an intermediate node (allegedly Parker's central server) to request communication with a terminating node, similar to dependent Claim 6. Parker explicitly discloses that its computers (alleged originating and terminating nodes) are not listed with its DNS server, but does not disclose that its DNS server is triggered by a DNS query to communicate with its central server to request communication with a non-DNS-listed computer, similar to dependent Claim 6.

3. Dependent Claims 15, 16, 32, 33, 49 and 50

Dependent Claim 15 (and similarly dependent Claims 32 and 49), and by further dependency Claim 16 (and similarly dependent Claims 33 and 50) recites communicating with a network address translator (NAT) and/or firewall (FW) to trigger the NAT/FW to notify the terminating node of incoming data, which is also not taught or suggested by Parker. For allegedly disclosing the feature of dependent Claim 15, the Official Action cites column 15, lines 29-52 of Parker for disclosing "NAT and FW at the intermediate node and terminating node." In the cited passage, Parker does disclose an embodiment whereby its endpoints (computers 10 and

11) communicate across a NAT firewall. Even still, however, Parker does not explicitly or inherently disclose communicating with a NAT firewall to trigger the NAT firewall to notify a computer (alleged terminating node) of incoming data, upon which the respective computer registers with an intermediate node, similar to dependent Claim 15 – read in context of its dependence on independent Claim 1.

Further, as more particularly recited by dependent Claim 16 (and similarly dependent Claims 33 and 50), Parker does not teach or suggest a NAT/FW communicating with a gateway support node to trigger the gateway support node to notify the terminating node of incoming data. In fact, other than referring to use of a NAT firewall, Parker does not disclose any particular functionality of its NAT firewall, mush less any functionality corresponding to that of dependent Claims 15, 16, 32, 33, 49 and 50.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1, 2, 4-6, 11-13, 14-17, 18, 19, 21-23, 28-30, 32-34, 35, 36, 38-40, 45-47, 49-51, 52-54, 56, 58 and 59 as being anticipated by Parker is overcome.

B. Claims 3, 7-10, 14, 20, 24-27, 31, 37, 41-44, 48, 55 and 57 are Patentable

The Official Action also continues to reject Claims 3, 7-10, 14, 20, 24-27, 31, 37, 41-44, 48, 55 and 57 as being unpatentable over Parker, in view of U.S. Patent No. 6,910,074 to Amin. As explained above, independent Claims 1, 18, 35, 52 and 59, and by dependency Claims 2-17, 19-34, 36-51 and 53-58, are patentably distinct from Parker. Applicants respectfully submit that Amin does not cure the deficiencies of Parker. That is, even considering Amin, neither Parker nor Amin, taken individually or in any proper combination, teach or suggest the aforementioned registering a terminating node or apparatus upon or in response to receiving a notification to thereby enable IP communication, as per independent Claims 1, 18, 35, 52 and 59. Applicants therefore respectfully submit that independent Claims 1, 18, 35, 52 and 59, and by dependency Claims 2-17, 19-34, 36-51 and 53-58, are patentably distinct from Parker, in view of Amin.

Applicants further note that even if one could argue (albeit incorrectly) that Parker and Amin did disclose individual elements of the claimed invention, Applicants respectfully submit that the Examiner has not provided a sufficient reasoning for their combination to teach the

claimed invention. Applicants acknowledge the Supreme Court's recent decision in which the Court rejected a rigid application of the "teaching, suggestion or motivation" (TSM) test. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 82 USPQ2d (BNA) 1385 (2007). Nonetheless, in *KSR Int'l. Co.*, the Court did state that obviousness often requires determining whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue, and that to facilitate review, this analysis should be made explicit. *See KSR Int'l. Co.*, 127 S.Ct. at 1740–41, 82 USPQ2d (BNA) at 1396. Even further, the Court noted that "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, 127 S.Ct. at 1740-41, 82 USPQ2d (BNA) at 1396, *citing In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d (BNA) 1329 (Fed. Cir. 2006) (emphasis added).

As clearly explained by the Supreme Court in *KSR Int' l. Co.*, then, any finding of obviousness should be based on an apparent reason to combine the prior art, and must be supported by more than mere conclusory statements. In the instant case, the Official Action generally attempts to support the alleged combination of Parker and Amin by merely, and circularly, asserting that one skilled in the art would have been led to the combination because of the combination itself. With respect to the rejection of dependent Claim 3, for example, the Official Action alleges that one would have been led to combine SMS or multimedia service of Amin with the telecommunications over IP of Parker to provide SMS or multimedia service through the telecommunications network. *See* Official Action of Aug. 27, 2008, page 16. Other than concluding that the resulting combination would lead one skilled in the art to the combination, the Official Action does not provide any articulated reasoning with rational underpinning to support the particular modification of Parker to include the alleged feature of Amin. And even further, the Official Action fails to allege any particular manner of combining Parker and Amin that would result in the claimed invention.

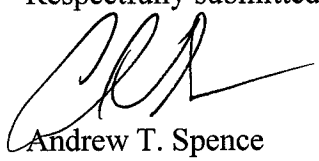
For at least the foregoing reasons, Applicants submit that the rejection of Claims 3, 7-10, 14, 20, 24-27, 31, 37, 41-44, 48, 55 and 57 as being unpatentable over Parker, in view of Amin, is overcome.

CONCLUSION

In view of the remarks presented herein, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues. As explained above, no new matter or issues are raised by this Reply, and as such, Applicants alternatively respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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